



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

MAR 23 2017

CAPT Mark C. Bruington, USN
Commanding Officer
Naval Research Laboratory
4555 Overlook Avenue SW
Washington, DC 20375

**Re: Notice of Violation
Compliance Evaluation Inspection
August 9-10, 2016
EPA ID No. DC8170024311**

Docket Number: R3-17-NOV-RCRA-016

Dear Captain Bruington:

On August 9-10, 2016 the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under Title 20 of the District of Columbia Municipal Regulations ("DCMR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. at your facility. Based on that inspection and/or review of other pertinent information, EPA has determined that the Naval Research Laboratory ("the Facility") is violating regulations promulgated under DCMR and RCRA. As a result of this finding, the Agency is issuing this Notice of Violation ("NOV"). The specific violation(s) are:

1. Four metal filtration containers labeled as hazardous waste, "D004, solid, 80%", "Zeolite – unknown composition" in the Building 28 hazardous waste storage area were not closed (Inspection Rpt., Pg. 8, Section 5.5, Para. 2). Per 20 DCMR § 4415.5 [40 CFR § 264.173 (a)], a container holding hazardous waste must remain closed during storage except when it is necessary to add or remove waste.
2. Under the flame hood in Room 348 of Building 207, a near-full container of used gas chromatography (GC) vials, labeled "Used GC Vials", was not marked as hazardous waste. 20 DCMR § 4415.5 [40 CFR § 262.34 (a)(3)] requires containers, while accumulating hazardous waste onsite, to be labeled, or marked clearly, with the words "Hazardous Waste".
3. Under the flame hood in Room 348 of Building 207, was an open, nearly-full container of used GC vials, labeled "Used GC Vials", that was not dated. 20 DCMR § 4415.5 [40 CFR § 262.34 (a)(2)] requires the date upon which each period of hazardous waste accumulation begins is clearly marked and visible for inspection on each container.

4. The facility's contingency plan did not list the home address of the designated Emergency Coordinator (Inspection Rpt., Pg. 9, Section 6.1). 20 DCMR § 4410.7 [40 CFR § 264.52 (d)] requires the contingency plan to list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date.
5. The facility's contingency plan did not describe arrangements made with local emergency services (Inspection Rpt. Pg. 10, Section 6.1). 20 DCMR § 4410.6 [40 CFR § 264.52 (c)] requires the that contingency plan describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services.
6. For the calendar year 2015, (3) facility personnel who handle hazardous waste did not receive an annual review of the initial hazardous waste training (Inspection Rpt. Section 6.5, Table on Pg.11). 20 DCMR § 4405.5 [40 CFR § 264.16 (c)] requires that personnel responsible for the handling of hazardous waste participate in an annual review of the initial hazardous waste training they received.
7. In Building 35, a container of spent fluorescent lamps was not closed. 40 CFR § 273.13 (d)(1) requires small quantity handlers of universal waste contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
8. In Building 35, several containers of spent fluorescent lamps were not labeled. 40 CFR § 273.14 (e) requires each lamp or a container or package in which such lamps are contained be labeled or marked clearly with one of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)".
9. In Building 35, a container of spent fluorescent lamps was not dated. 40 CFR § 273.15 (c)(1) requires a small quantity handler of universal waste who accumulates universal waste be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste.

In addition to the above listed RCRA and DCMR violations, there is an area of concern, which, if not properly addressed, could lead to violations:

1. Glass GC vial containers of D001 waste fuel, from several different labs, were observed to be collected in plastic, sealable bags, which may not prevent spillage or leakage, were one of the bags to be dropped. 20 DCMR § 4415.4 [40 CFR § 264.172] requires the owner or operator to use a container made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

Within twenty (20) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the

violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Eric Greenwood
Land and Chemicals Division (3LC32)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103 Philadelphia, PA 19103



Carol Amend, Associate Director
Land and Chemicals Division
Office of RCRA Programs

March 23, 2017

Date

Enclosure

cc: B. Williams (DDOE) w/o Enclosure
✓ P. Belgiovane (3LC30) w/o Enclosure
E. Greenwood (3LC32) w/o Enclosure